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**Niobrara Conservation District**

Box 659 - Lusk, WY 82225 - (307) 334-2959

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Shaun McGrath  
Region VIII EPA Administration  
1595 Wynkoop St.  
Denver, CO 80202-1129

March 2, 2015

**RE: WDEQ's Final Determination Regarding Categorical Use Attainability Analysis for Contact  
Recreational Use Designation**

Dear Administrator MacGrath,

The Niobrara Conservation District (NCD) would like to address a couple of the comments made by the Wyoming Outdoor Council (WOC) in a letter to the U.S. EPA, dated January 5, 2015. The NCD assisted WDEQ with validation of the UAA model by field verification of 22 sites within Niobrara County.

The WOC states in this letter on page 6:

*The DEQ in conjunction with some of the conservation districts, conducted approximately 850 surveys, which amounts to one survey per 135 stream miles (100k NHD) and one survey per 331 stream miles (24k NHD). Certainly, any assertion that information collected from these field surveys is representative of the complex surface water system encompassing the entire State of Wyoming cannot be accepted. Moreover, although Wyoming conservation districts "visited over 700 sites to help validate the UAA," none of those site visits took place during the summer recreation season. UAA at 20. The DEQ claims that "the photographs are shown only to depict channel and flow characteristics" without acknowledging that flow characteristics during the fall are not at all representative of flows that one would likely encounter on those streams in June, July and August, the primary outdoor recreation season.*

*Based on information displayed in the DEQ's Recreation Designated Uses Web Map, it appears that most site visits occurred in areas that are accessible by motor vehicle,*

The site verification visits conducted by the NCD were conducted in August 2010 and September 2010, well within the designated recreation season. All site visits were completed with a WDEQ Recreational Use UAA Survey Worksheet (Appendix A), which details the location information as well as a completed, signed landowner/manager checklist of questions dealing with flow patterns and recreational use. Not only do the site visits field verify random selected sites at the time of the visit but the survey completed by the landowner/manager speak to flow patterns and use. The photographs taken at the visit obviously show the flow at the time of the visit, however they also show channel shape, vegetation, etc that speak to past flow patterns. As to site accessibility, these sites were accessed by two-track, trail roads and hiking. The WOC is putting forth untrue and misleading information about the verification process that was followed.

To address the public input issue WOC has raised. The two comment periods were open to the public. There was a variety of venues used for these notifications. The Recreation Designated Use Map was

available on the DEQ website for public use. The DEQ maintains a notification email and mailing list. Again, It would seem the WOC is putting forth misleading information to make its case.

The NCD believes in the Wyoming Categorical Use Attainability Analysis for Recreation use designations. As with any model it is not 100%. However, it comes much closer to proper designations than without and greatly reduces number of site specific UAA required for proper designations. We look forward to and support the EPA approval of this document.

Respectfully,

Kevin Gaukel  
Chairman